

Independent School District, in Cherokee county, Texas, defining its boundaries, etc., which is Chapter three (3) of the General Laws passed at the First Called Session of the Twenty-ninth Legislature, so as to more particularly and accurately define and describe its boundaries," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the same be not printed.

BARRETT, Chairman.

Committee Room,  
Austin, Texas, Jan. 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 28, A bill to be entitled "An Act to prevent any person or association of persons, firm or corporation from charging a higher rate of interest than 10 per cent, and providing a penalty therefor," have had the same under consideration, and I am instructed by a majority of the committee to report the bill back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,  
Austin, Texas, Jan. 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred Senate bill No. 63. A bill to be entitled "An Act to amend Sections 36, 37 and 40 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to County Supervision of Public Schools," have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BARRETT, Chairman.

#### TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, Jan. 23, 1907.

Senate met pursuant to adjournment.  
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Chambers.
Barrett.	Faust.
Brachfield.	Glasscock.

Green.	Meachum.
Greer.	Murray.
Griggs.	Paulus.
Grinnan.	Senter.
Harper.	Skinner.
Holsey.	Smith.
Hudspeth.	Stokes.
Kellie.	Stone.
Looney.	Terrell.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Harbison.

Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hudspeth the same was dispensed with.

(See Appendix for petitions, memorials and committee reports.)

#### BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Whereas, The quota of Senate Journals now supplied each Senator is insufficient to meet the demands of his constituents; therefore, be it

Resolved, That ten copies of the Journal be printed and laid on the desk of each member each morning.

The resolution was read and adopted.

By Senator Willacy:

Resolved, That W. A. Shaw, Jr., be appointed by the President of the Senate to act as Assistant Calendar Clerk and to perform such other duties as may be assigned to him by the President of the Senate.

Read and referred to Committee on Contingent Expenses.

By Senator Hudspeth:

Senate bill No. 104, A bill to be entitled "An Act to amend Article 841 of the Penal Code of the State of Texas in relation to burglary."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 105, A bill to be entitled "An Act to amend Article 723 of the Code of Criminal Procedure of the State of Texas, relating to new trials and the reversal on appeals."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 106, A bill to be entitled "An Act to amend Article 770, Title VIII, of the Code of Criminal Pro-

cedure, in relation to a witness testifying as a witness in his own behalf."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Barrett:

Senate Joint Resolution No. 7, To amend Section 3 of Article 7 of the Constitution of the State of Texas, relating to taxation in school districts.

Read for first time, and referred to Committee on Constitutional Amendments.

Morning call concluded.

#### SENATE BILL NO. 13.

The Chair laid before the Senate, on second reading and special order,

Senate bill No. 13, A bill to be entitled "An Act regulating the granting of divorce by annulling marriage, dissolving the bonds of matrimony, the practice in relation to the trial of divorce suits; prescribing penalties for the violation thereof, and with an emergency clause."

On motion of Senator Senter further consideration of the bill for today was dispensed with and the bill made a special order for tomorrow morning at conclusion of morning call.

#### SENATE BILL NO. 16.

The Chair laid before the Senate, regular order, Senate bill No. 22, and on motion of Senator Looney the regular order of business (Senate bill No. 22) was suspended and the Senate took up, out of its order, Senate bill No. 16.

The Chair laid before the Senate, on second reading,

Senate bill No. 16, A bill to be entitled "An Act making it an offense punishable by fine and removal from office for any executive, legislative or judicial officer of this State, county, city or other municipal subdivision of the State, to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office position, employment or duty in any department of the government of which such executive, legislative or judicial officer may be a member; or any person so related to any other such officer, in consideration of the appointment or vote for the appointment by such other officer, of any person so related to the officer making or voting for such appointment; prohibiting the payment of any such ineligible person out of any public funds, and providing for suitable punishment and removal

from office for the violation of this act and fixing venue."

Senator Stone offered the following amendment:

Amend by adding after the word "act" in line 15, page 3:

"Provided, That the provisions of this bill shall not apply to district, county, precinct or municipal officers."

Senator Green offered the following substitute for the amendment:

Amend by adding after the word "act" in line 15, page 3:

"Provided, that this act shall not apply to district, county and precinct officers whose deputies and employes are paid direct by such district, county or precinct officer."

Senator Looney moved to table the amendment and substitute, and a division of the question was called for, whereupon the Chair put the motion on the substitute first.

The substitute was tabled by the following vote:

Yeas—21.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Murray.
Chambers.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Kellie.	

Nays—7.

Green.	Meachum.
Griggs.	Watson.
Hudspeth.	Willacy.
Masterson.	

Absent.

Harbison.	Veale.
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Question then being on the motion by Senator Looney to table the amendment, and the same was adopted by the following vote:

Yeas—18.

Alexander.	Harper.
Barrett.	Holsey.
Brachfield.	Looney.
Chambers.	Mayfield.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Terrell.

## Nays—10.

Faust.	Murray.
Hudspeth.	Senter.
Kellie.	Stone.
Masterson.	Watson.
Meachum.	Willacy.

Absent.

Harbison.	Veale.
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Senator Alexander offered the following amendment:

Amend Senate bill No. 16, by striking out the words "confidential as well as," lines 21 and 22, page 2.

The amendment was read and adopted.

Senator Barrett offered the following amendment:

Amend by striking out all after the word "State" in line 20, page 2, down to and including line 30.

The amendment was lost by the following vote:

## Yeas—8.

Barrett.	Kellie.
Green.	Skinner.
Harper.	Stokes.
Holsey.	Terrell.

## Nays—20.

Alexander.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Greer.	Senter.
Griggs.	Smith.
Grinnan.	Stone.
Hudspeth.	Watson.
Looney.	Willacy.

Absent.

Harbison.	Veale.
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Senator Glasscock offered the following amendment:

Amend the printed bill by inserting after the word "vote" in line 22, Section 1, page 1, the following words, "or use his influence."

The amendment was lost by the following vote:

## Yeas—12.

Alexander.	Grinnan.
Barrett.	Harper.
Brachfield.	Looney.
Glasscock.	Mayfield.
Green.	Paulus.
Greer.	Stokes.

## Nays—15.

Chambers.	Senter.
Griggs.	Skinner.
Holsey.	Smith.
Hudspeth.	Stone.
Kellie.	Terrell.
Masterson.	Watson.
Meachum.	Willacy.
Murray.	

Absent.

Faust.	Veale.
Harbison.	

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 6,  
Relating to publication of Legislative Manual.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

The above resolution was read and referred to Committee on Contingent Expenses.

## EXECUTIVE MESSAGE.

Executive Office,  
Austin, Texas, January 22, 1907.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

For Trustees of the State Orphan Asylum—John A. Thompson, W. L. Derden, L. E. McCormick, W. B. Parker, Mrs. Carrie Pannell.

T. M. CAMPBELL,

Governor.

## EXECUTIVE SESSION—TIME SET FOR.

On motion of Senator Green, the hour of 11 o'clock a. m. tomorrow was designated as the time at which the Senate would go into executive session to act upon the foregoing appointments.

## COMMUNICATION.

The Chair laid the following before the Senate and directed same to be published in Journal:

(Western Union Telegram.)

Received at  
307 Da U N 201 Paid.

Nevada, Mo., January 22, 1907.

The President of the Senate and Speaker of the House, General Assembly of Texas, Austin.

I see from St. Louis papers received at Parsons, Kan., today that one of the charges against Senator Bailey that he was influenced by myself and my brother in the interest of Waters-Pierce Oil Co., and at variance with his proper course as a Senator from Texas. I deny with emphasis and resent with indignation any imputation or inference that my brother or myself has at any time ever sought by money or other means to influence Senator Bailey or any other of the national Legislature of any legislative body to act otherwise than in the line of his highest duty to the country and to his constituents and demand that the charges referred to be either withdrawn or my brother in the slightest degree or that I be summoned before the Texas Legislature or a properly constituted committee there to answer any questions that may be asked of me. Am en route home from Mexico. Shall arrive St. Louis tomorrow. Just passed through Texas from Laredo to Denison, and should have been glad to stop at Austin had I known of the charge; my brother is in Tucson, Ariz., and will go to Austin if requested.

8:15 p. m. DAVID R. FRANCIS.

#### SPECIAL ORDER.

The President announced the hour had arrived when, under the law, the Senate should repair to the Hall of the House of Representatives to meet that body in joint session for the purpose of participating in the election of a United States Senator.

The Senate accordingly repaired to the House of Representatives.

#### IN JOINT SESSION.

At 12 o'clock meridian the Honorable Senate of Texas was duly announced at the bar of the House.

Speaker Love invited the Senate to enter and directed the doorkeeper to admit them.

Accompanied by Secretary Clyde D. Smith, Journal Clerk R. M. Gilmore and Sergeant-at-Arms C. H. Allen, the Senators advanced into the hall and oc-

cupied the seats that had already been prepared for them along the aisle.

President of the Senate, Hon. A. B. Davidson, was invited to a seat on the rostrum on the right of the Speaker of the House.

The President called the Senate to order.

The Secretary of the Senate was then directed by the President to call the roll of the Senate, and the following Senators answered to their names:

Senators Alexander, Barrett, Brachfield, Chambers, Faust, Glasscock, Green, Greer, Griggs, Grinnan, Harper, Holsey, Hudspeth, Kellie, Looney, Masterson, Mayfield, Meachum, Murray, Paulus, Senter, Skinner, Smith, Stokes, Stone, Terrell, Watson, Willacy.

Absent—Harbison, Veale.

Total number of Senators present, 28.  
Necessary to a quorum, 21.

President Davidson announced a quorum of the Senate present.

Speaker Love then directed the Clerk to call the roll of the House, and the following members answered to their names:

The Hon. Thomas B. Love, Speaker; Messrs. Adams, Adkins, Alderdice, Austin, Baker, Ballengee, Bartlett, Baskin, Beaty, Bell of Freestone, Bell of Limestone, Blalock, Blanton, Bogard, Bowles, Bowman, Braly, Briggs, Briscoe, Brown of Wharton, Browne of Harris, Bryan, Cable, Camp, Canales, Carswell, Chapman, Clements, Cobbs, Cocke, Cox, Crawford, Crisp, Crockett, Currey, Daniel, Davis of Brazos, Davis of Williamson, Dean, Dodd, Driggers, Duncan, Elkins, Fowler, Fuller, Gafford, Gaines, Gieptner, Giesen, Gilmore, Goodman, Graham, Green, Grinstead, Hamilton, Henderson, Heslep, Holshousen, Hume, Jackson, James, Jenkins, Jennings, Johnson, Kennedy, Kindred, King, Kubena, Lane, Lively, Love of Williamson, MacInerney, Mason, McCallum, McConnell, McDonald, McGregor, McKenzie, McKinney, Mears, Mobley, Moore, Murray, Neblett, Nelson of Kaufman, Nelson of Hopkins, O'Beirne, O'Bryan, O'Neal, Onion, Orgain, Patton, Peeler, Pierce, Pool, Ralston, Ray, Rayburn, Ridgway, Roberson of Erath, Roberson of Bell, Robertson of Travis, Roos, Savage of Bell, Savage of Nueces, Schlosshan, Shelby, Silliman, Smith, Sperry, Stanford, Stephenson, Stratton, Strickland, Terrell of Cherokee, Terrell of McLennan, Terry, Thomas of Fannin, Thomas of Tyler, Thompson, Trenckmann, Wade, Walter, Werner, Wilmeth, Wilson, Witherspoon, Wolfe, Young.

Absent-Excused—Martin, Reedy.  
 Absent—Davis of El Paso.  
 Total number of Representatives present, 130.

Necessary to a quorum, 89.

The Speaker announced a quorum of the House present.

Governor Thomas M. Campbell was seated in the Joint Assembly.

Senator Skinner, on part of the Senate, moved that Governor Campbell be invited to a seat on the rostrum.

President Davidson announced that the motion prevailed on part of the Senate and appointed Senator Skinner a committee, on part of the Senate, to escort the Governor to the Speaker's stand.

Mr. McConnell, on part of the House, moved that Governor Campbell be invited to a seat on the rostrum.

Speaker Love announced that the motion prevailed on part of the House, and appointed Mr. McConnell a committee on part of the House to escort the Governor to the Speaker's stand.

The Committee of Escort at once proceeded to perform the duty assigned them and Governor Campbell was seated on the rostrum during the Joint Session.

Speaker Love then announced that, in accordance with law and a concurrent resolution duly adopted by both Houses, the two Houses of the Thirtieth Legislature are now in Joint Session for the purpose of comparing the proceedings had in separate session on yesterday touching election of a United States Senator.

President Davidson then directed the Secretary of the Senate to read from the Senate Journal of yesterday the proceedings had in the Senate yesterday in election of United States Senator.

The Secretary then read the following from the Senate Journal of yesterday:

(*Extract from the Senate Journal of Tuesday, January 22, 1907.*)

#### "NOMINATIONS FOR UNITED STATES SENATOR.

The Chair announced that the hour of 11:30 o'clock a. m. having arrived, and that the special order for that time being to ballot for United States Senator, and he declared nominations for said office in order.

Senator Harbison placed in nomination Hon. Joseph Weldon Bailey of Cook county to succeed himself.

The nomination was seconded by Senators Meachum, Terrell, Barrett, Hudspeth, Willacy, Looney, Skinner and Smith.

Senator Senter placed in nomination Gen. W. L. Cabell of Dallas county.

Senator Glasscock placed in nomination Hon. A. W. Terrell of Travis county.

#### BALLOTING FOR UNITED STATES SENATOR.

Nominations for United States Senator having closed, the Chair ordered the roll called. The ballot resulted as follows:

Question—Election United States Senator. Nominees: J. W. Bailey, General W. L. Cabell, Hon. A. W. Terrell.

#### Bailey—19.

Alexander.	Masterson.
Barrett.	Meachum.
Brachfield.	Paulus.
Chambers.	Skinner.
Griggs.	Smith.
Harbison.	Stone.
Harper.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Cabell—1.

Senter.

Terrell—1.

Glasscock.

Chilton—1.

Holsey.

Present—Not Voting.

Faust.	Mayfield.
Green.	Murray.
Greer.	Stokes.
Grinnan.	

Absent—Excused.

Veale.

#### TOTAL.

Senator Bailey having received a majority of the votes cast, the Chair declared him duly and constitutionally elected a Senator of the United States from Texas."

President Davidson then announced that Joseph W. Bailey had received 19 votes, a majority of all the votes cast in the Senate.

Speaker Love then directed the Clerk to read from the House Journal of yesterday the proceedings had in election of United States Senator.

The Clerk then read as follows from the House Journal of yesterday:

(*Extract from the House Journal of Tuesday, January 22, 1907.*)

#### "ELECTION OF UNITED STATES SENATOR.

Speaker Love directed the Clerk to read from the House Journal of Friday,

January 18, the following report of the joint committee, which was that day adopted:

#### MAJORITY REPORT.

Austin, Texas, January 17, 1907.

Hon. Thomas B. Love, Speaker of the House, and Hon. A. B. Davidson, President of the Senate.

Sirs: Your joint committee, appointed for the purpose of arranging for the election of a United States Senator, have had the same under consideration, and beg leave to report as follows:

1. That the Senate proceed to nominate and ballot for a United States Senator on January 22, at 11:30 a. m.

2. That the House proceed to nominate and ballot for a United States Senator on January 22, at 12:15 p. m.

3. That the Senate and House shall meet in joint session on Wednesday, January 23, at 12 o'clock noon, in the House of Representatives, for the purpose of declaring the result of the previous balloting.

Respectfully submitted,

WILLACY,  
HUDSPETH,

On part of the Senate.

BRYAN,  
ROBERTSON of Travis.  
On part of the House.

Speaker Love then announced that the hour set apart in above concurrent action of the two Houses having arrived, nominations for United States Senator are now in order.

Hon. W. L. Blanton of Cooke county nominated Joseph W. Bailey of Cooke county.

Hon. J. M. Duncan of Smith county nominated W. L. Bostick of Smith county.

Hon. C. C. Pierce of Webb county nominated Cecil A. Lyon of Grayson county.

Hon. T. H. McGregor of Harris county nominated Robert L. Cole of Harris county.

Hon. J. C. Kindred of Colorado county nominated Sam L. Green of Colorado county.

Hon. J. L. Goodman of Robertson county nominated J. Felton Lane of Robertson county.

Hon. S. J. Jennings of Navarro county nominated George T. Jester of Navarro county.

Hon. R. D. Thompson of Hunt county nominated W. H. Ragsdale of Hunt county.

Hon. M. G. Jackson of Eastland county nominated Captain June Kimble of Eastland county.

Hon. R. L. Cable of Montague county nominated J. R. Wiley of Montague county.

Hon. R. M. Brown of Wharton county nominated J. F. Onion of Bexar county.

Hon. W. A. Trenckmann of Austin county nominated J. W. Logan of Austin county.

Hon. C. J. Bartlett of Falls county nominated Tom Connally of Falls county.

Hon. Lea Beaty of Caldwell county nominated Hon. E. H. Rogan of Caldwell county.

Hon. Jeff D. Cox of Rockwall county nominated J. F. Peak of Rockwall county.

Hon. Russell Savage of Nueces county nominated P. F. Dunn of Nueces county.

Hon. M. M. Smith of McLennan county nominated T. M. Campbell of Anderson county.

Hon. D. M. Reedy of Smith county nominated Perry Ray of Smith county.

Hon. Sam E. Stratton of McLennan county nominated J. E. Yantis of McLennan county.

Hon. Joe A. Adkins of McCulloch county nominated W. J. McDowell of Lampasas county.

Hon. C. H. Jenkins of Brown county nominated William F. Brown of Brown county.

Hon. George A. Bell of Limestone county nominated James B. Kimball of Limestone county.

Hon. B. F. James of Ellis county nominated Captain William ("Bill") McDonald.

Hon. W. A. Cocke of Bexar nominated Guy S. McFarland of Bexar county.

Hon. George B. Terrell of Cherokee county nominated S. P. Willson of Cherokee county.

Hon. S. E. Johnson of Blanco county nominated Joseph Bird of Blanco county.

Hon. Joe Holshousen of Polk county nominated Tom M. Drew of Polk county.

Hon. W. R. Blalock of Wood county nominated R. N. Stafford of Wood county.

Hon. Phil H. Clements of Mills county nominated C. K. Bell of Tarrant county.

Hon. John T. Browne of Harris county nominated Hamp Cook of Harris county.

Hon. E. C. Lively of Dallas county nominated Charles F. Clint of Dallas county.

Hon. F. Werner of Guadalupe county seconded the nomination of Cecil A. Lyon.

Hon. J. F. Onion of Bexar county seconded the nomination of Joseph W. Bailey.

Hon. W. C. Davis of Brazos county seconded the nomination of Joseph W. Bailey.

Hon. W. H. O'Beirne of Cooke county seconded the nomination of Joseph W. Bailey.

Hon. W. J. Bryan of Taylor county seconded the nomination of Joseph W. Bailey.

Hon. W. P. Lane of Tarrant county seconded the nomination of Joseph W. Bailey.

Hon. W. B. Hamilton of Hunt county seconded the nomination of Joseph W. Bailey.

Hon. W. S. Moore of Grayson county seconded the nomination of Joseph W. Bailey.

Hon. Worth Ray of Denton county seconded the nomination of Joseph W. Bailey.

Hon. Chas. Davis of El Paso county seconded the nomination of Joseph W. Bailey.

Hon. Sam T. Rayburn of Fannin county seconded the nomination of Joseph W. Bailey.

Hon. D. B. MacInerney of Galveston county seconded the nomination of Hon. Joseph W. Bailey.

Hon. J. T. Adams of Orange county seconded the nomination of Joseph W. Bailey.

Hon. J. T. Canales of Cameron county seconded the nomination of Joseph W. Bailey.

Hon. J. R. Bowman of Potter county seconded the nomination of Joseph W. Bailey.

Hon. F. C. Hume of Harris county seconded the nomination of Joseph W. Bailey.

Hon. A. M. Kennedy of McLennan county, on the request of Captain McDonald, and with the consent of Mr. James, withdrew the name of Captain McDonald.

#### NOMINATIONS CLOSED.

There being no further nominations, the Speaker declared nominations closed and directed the Clerk to call the roll.

The roll was called, and each member, rising from his seat as his name was called, announced his choice.

The following members voted for Hon. Joseph W. Bailey:

Hon. Thos. B. Love, Speaker.	
Adams.	Baker.
Alderdice.	Ballengee.
Austin.	Baskin.

Blanton.

Bogard.

Bowles.

Bowman.

Braly.

Briggs.

Briscoe.

Bryan.

Canales.

Carswell.

Chapman.

Cobbs.

Crockett.

Daniel.

Davis of Brazos.

Davis of El Paso.

Davis of  
Williamson.

Dean.

Dodd.

Driggers.

Elkins.

Fowler.

Fuller.

Gafford.

Gaines.

Gieptner.

Graham.

Green.

Hamilton.

Henderson.

Heslep.

Hume.

Kennedy.

King.

Kubena.

Lane.

Love of Williamson.

MacInerney.

Mason.

McConnell.

McDonald.

McKenzie.

McKinney.

Mears.

Mobley.

Moore.

Murray.

Neblett.

Nelson of Hopkins.

Nelson of

Kaufman.

O'Beirne.

O'Bryan.

O'Neal.

Onion.

Orgain.

Pool.

Ralston.

Ray.

Rayburn.

Ridgway.

Roberson of Erath.

Robertson of Bell.

Roos.

Savage of Bell.

Schlosshan.

Shelby.

Silliman.

Sperry.

Stanford.

Stephenson.

Strickland.

Terrell of McLennan.

Terry.

Thomas of Fannin.

Thomas of Tyler.

Wade.

Walter.

Wilmeth.

Wilson.

Witherspoon.

Wolfe.

Young.

#### Present—Not Voting.

Bell of Freestone. McCallum.

Giesen. Patton.

Gilmore. Thompson.

Johnson.

#### Absent—Excused on Account of Sickness.

Martin.

Total number of votes cast for Hon. Joseph W. Bailey, 89.

#### NAME WITHDRAWN.

While the Clerk was calling the roll on the election of United States Senator, Mr. Thompson obtained the floor and withdrew the name of W. H. Ragsdale, stating at the same time that he wished to be recorded as being present and not voting.

## VERIFICATION OF THE VOTE.

When the vote was first announced, it was stated that Mr. Bailey had received 90 votes.

Mr. Duncan called for a verification of the vote.

The Clerk was then directed to call the roll of all those recorded as voting for Joseph W. Bailey.

The roll was called.

When Mr. Crawford's name was called he rose and stated that he was incorrectly recorded, and that he voted for "J. W. Logan" and not "J. W. Bailey."

The Clerk was then directed to record Mr. Crawford as voting for J. W. Logan.

The Speaker then announced that the verified vote showed that Mr. Bailey had received 89 votes.

The following voted for W. L. Bostick:  
Duncan.

The following voted for Cecil A. Lyon:  
Pierce,  
Werner.

The following voted for Robert L. Cole:

James,  
McGregor.

The following voted for Sam L. Green:  
Kindred.

The following voted for J. Felton Lane:  
Goodman.

The following voted for Geo. T. Jester:  
Jennings.

The following voted for Captain June Kimble:

Jackson.

The following voted for J. R. Wiley:  
Cable.

The following voted for J. F. Onion:  
Brown of Wharton.

The following voted for J. W. Logan:  
Crawford,  
Trenckmann.

The following voted for Tom Conally:

Bartlett.

The following voted for E. H. Rogan:  
Beaty.

The following voted for J. F. Peek:  
Cox.

The following voted for P. F. Dunn:  
Savage of Nueces.

The following voted for T. M. Campbell:

Camp,  
Robertson of Travis,  
Smith.

The following voted for Perry Ray:  
Reedy.

The following voted for J. E. Yantis:  
Grinstead,  
Stratton.

The following voted for W. J. McDowell:  
Adkins.

The following voted for W. F. Brown:  
Jenkins.

The following voted for James B. Kimball:  
Bell of Limestone.

The following voted for Guy S. McFarland:  
Cocke.

The following voted for S. P. Willson:  
Terrell of Cherokee.

The following voted for Tom. M. Drew:  
Holshousen.

The following voted for R. N. Stafford:  
Blalock.

The following voted for C. K. Bell:  
Clements.

The following voted for Ham Cook:  
Browne of Harris.

The following voted for Chas. F. Clint:  
Lively.

The following voted for W. J. McManus:  
Crisp.

The following voted for T. J. Brown:  
Currey.

The following voted for R. R. Gaines:  
Peeler.

## RESULT OF THE BALLOT.

Total vote cast.....	125
Total vote cast for Joseph W. Bailey.	89
Total scattering vote.....	36
Present, not voting.....	7
Absent .....	1

The Speaker then announced that Hon. Joseph W. Bailey had received 89 votes, a majority of all the votes cast, and that the Senate and House of Representatives



of the Thirtieth Legislature would meet in joint session tomorrow, Wednesday, January 23d, at 12 o'clock, meridian, for the purpose of comparing the vote for United States Senator.

Speaker Love then announced that Joseph W. Bailey had received 89 votes, a majority of all the votes cast in the House.

#### VOTE COMPARED.

Speaker Love then directed the Clerk and Secretary to compare the vote cast in the two Houses.

The vote was compared, and the following result was announced by the Chief Clerk of the House:

	Senate.	House.	Total.
J. W. Bailey.....	19	89	108
A. W. Terrell.....	1	—	1
W. L. Cabell.....	1	—	1
Horace Chilton....	1	—	1
W. L. Bostick.....	—	1	1
Cecil A. Lyon.....	—	2	2
Robt. L. Cole.....	—	2	2
Sam L. Green.....	—	1	1
J. Felton Lane....	—	1	1
Geo. T. Jester.....	—	1	1
June Kimble.....	—	1	1
J. R. Wiley.....	—	1	1
J. F. Onion.....	—	1	1
J. W. Logan.....	—	2	2
Tom Connally.....	—	1	1
E. H. Rogan.....	—	1	1
J. F. Peek.....	—	1	1
P. F. Dunn.....	—	1	1
T. M. Campbell....	—	3	3
Perry Ray.....	—	1	1
J. E. Yantis.....	—	2	2
W. J. McDowell....	—	1	1
W. F. Brown.....	—	1	1
Jas. B. Kimball....	—	1	1
Guy S. McFarland..	—	1	1
S. P. Willson.....	—	1	1
Tom M. Drew.....	—	1	1
R. N. Stafford.....	—	1	1
C. K. Bell.....	—	1	1
Hamp Cook.....	—	1	1
C. F. Clint.....	—	1	1
W. J. McManus....	—	1	1
T. J. Brown.....	—	1	1
R. R. Gaines.....	—	1	1

Present, not voting, in the Senate, 7.  
Present, not voting, in the House, 7.  
Total vote cast in both Houses, 147.

Speaker Love then declared that Joseph W. Bailey, having received a majority of all the votes cast, he was duly, legally and constitutionally elected United States Senator from the State of Texas for the ensuing term of six years, beginning March 4, 1907.

Senator Meachum, on part of the Sen-

ate, moved that Senator Bailey be invited to address the Joint Session and that a special committee of three be appointed by the President to notify Senator Bailey of his election and to escort him to the House.

The President announced that the motion prevailed on part of the Senate, and the following Senators were appointed: Senators Meachum, Looney and Alexander.

Mr. Blanton, on part of the House, moved that a special committee of three be appointed to notify Senator Bailey of his election and that he be invited to address the joint session.

The Speaker announced that the motion prevailed on part of the House, and appointed the following committee: Messrs. Blanton, Gafford and McConnell.

In a short while the committee appeared in the hall accompanied by Senator Bailey, and proceeding to the Speaker's stand, Speaker Love introduced Joseph W. Bailey to the joint session and the assembly as the duly elected United States Senator from Texas.

Senator Bailey then addressed the joint session, at the close of which,

On motion of Senator Skinner, the Senate retired to its chamber.

#### IN THE SENATE.

At the conclusion of the joint session the Senate returned to its chamber, and

On motion of Senator Terrell the Senate at 3:20 o'clock p. m. adjourned till tomorrow morning at 10 o'clock.

#### APPENDIX.

##### COMMITTEE REPORT.

Committee Room,  
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 19, A bill to be entitled "An Act providing additional procedure by which testimony may be taken in suits brought by the Attorney General, or under his direction to enforce the laws of this State against trusts, monopolies and conspiracies against trade or suits to enforce laws regulating and controlling corporations; providing for the appointment of a special commissioner to take testimony within or without the State, and providing that judgment by default shall be rendered against any de-

fendant in such action who fails to comply with the provisions of this act,"

And find the same correctly engrossed.  
BARRETT, Acting Chairman.

### THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, January 24, 1907.

Senate met pursuant to adjournment.  
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harbison. Veale.

Prayer by the Chaplain, as follows:

O Lord God, our heavenly Father, we approach Thee this morning for blessings for the day. Look down upon us in mercy, and do Thou grant of Thy spirit for the active duties of this day. Our want of wisdom often brings us into mistakes that are grievous to us, and we do those things that we should not do. Grant us, O Lord, bountifully of Thy presence that in all of our labors today we may do the right thing. Help us to keep our tongues bridled and our passions in due bounds, that all of our labors may lead to Thy glory and the good of our country. Pardon our offenses, and bring us to Thyself at last for Christ's sake. Amen.

Pending the reading of the Journal of yesterday, on motion of Senator Chambers, the same was dispensed with.

### EXCUSED.

On motion of Senator Harper, Senator Harbison was excused from attendance upon the Senate for yesterday and the remainder of this week, on account of important business.

(See Appendix for committee reports, petitions, and memorials.)

### BILLS AND RESOLUTIONS.

By Senator Glasscock:

Senate bill No. 107, A bill to be entitled "An Act to repeal Article 804, Chapter 3, of the Penal Code so as not to be in conflict with Article 805, Penal Code, as amended by the Twenty-eighth Legislature, page 159, approved April 2, 1903, relating to fishing and hunting on the enclosed lands of another person."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Skinner (by request):

Senate bill No. 108, A bill to be entitled "An Act requiring railroad companies, when their lines are contiguous or approach one another under certain conditions, to construct connections for the interchange of freight, cars and tonnage; defining when it is an abuse not to do so, and requiring them to connect when ordered to do so by the Railroad Commission; providing the power of condemnation for said purposes, and giving the Railroad Commission power to require the construction of such connecting tracks."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Willacy:

Senate bill No. 109, A bill to be entitled "An Act making appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905; August 31, 1906; August 31, 1907, being for claims registered in the Comptroller's office in accordance with law and for outstanding claims not registered, and to make additional appropriations for the support of the State Government for the year ending August 31, 1905; August 31, 1906, and August 31, 1907."

Read first time, and referred to Finance Committee.

By Senator Stokes:

Senate bill No. 110, A bill to be entitled "An Act to tax property by will or by descent or by grant or gift taking effect on the death of the grantor or donor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Glasscock:

Senate Joint Resolution No. 8, To amend Section 2, Article 3, of the State Constitution, relating to the Legislative Department.

Read first time, and referred to Committee on Constitutional Amendments.

Morning call concluded.